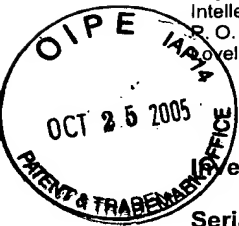


10-27-05

AF  
JH  
JFW

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Boulder, Colorado 80537-0599

ATTORNEY DOCKET NO. 10004032-1



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John F. McEntee

Serial No.: 09/775,375

Examiner: Dwayne K. Handy

Filing Date: January 31, 2001

Group Art Unit: 1743

Title: AUTOMATION-OPTIMIZED MICROARRAY PACKAGE

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on July 29, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) **\$500.00**.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☒ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1)-(5)) for the total number of months checked below:

<input checked="" type="checkbox"/>	one month	\$ 120.00
<input type="checkbox"/>	two months	\$ 450.00
<input type="checkbox"/>	three months	\$1020.00
<input type="checkbox"/>	four months	\$1590.00

☐ The extension fee has already been filled in this application.

☐ (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **50-1078** the sum of \$620.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **50-1078** pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

EXPRESS MAIL NUMBER  
EV68763348US

☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: 10-25-2005 **OR**

☐ I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile:

Typed Name: Donna Macedo

Signature: Donna Macedo

Respectfully submitted,

John F. McEntee

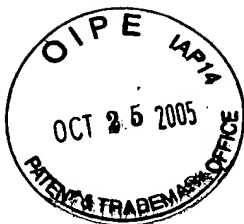
By

Bret E. Field for Dianne Rees  
Attorney/Agent for Applicant(s)

Reg. No. 37,620

Date: 10-25-2005

Telephone No. (650) 485-5999



**Express Mail No.**

**EV687633668US**

<b>APPELLANTS' BRIEF</b>  Address to: Mail Stop Appeal Brief-Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/775,375
	Confirmation Number	7821
	Attorney Docket No.	10004032-1
	Filing Date	January 31, 2001
	First Named Inventor	John F. McEntee
	Examiner	Dwayne K. Handy
	Group Art	1743
Title: <i>Automation-optimized Microarray Package</i>		

Sir:

This Brief is filed in support of Appellants' appeal from the Examiner's Rejection dated March 29, 2005. No claims have been allowed, Claim 9 is objected to and Claims 1-8, 10-21, 32 and 33 are rejected. The rejection of Claims 1-8, 10-21, 32 and 33 is appealed. A Notice of Appeal was filed on July 29, 2005. In light of the enclosed petition for a 1 month extension of time, this Appeal Brief is timely filed.

The Board of Appeals and Interferences has jurisdiction over this appeal pursuant to 35 U.S.C. §134.

The Commissioner is hereby authorized to charge deposit account number 50-1078, reference no. 10004032-1 to cover the fee required under 37 C.F.R. §1.17(c) for filing Appellants' brief. In the unlikely event that the fee transmittal or other papers are separated from this document and/or other fees or relief are required, Appellants petition for such relief, including extensions of time, and authorize the Commissioner to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to deposit account number 50-1078, reference no. 10004032-1.

10/31/2005 BABRAHA1 00000093 501078 09775375

01 FC:1251 120.00 DA

10/31/2005 BABRAHA1 00000093 501078 09775375

02 FC:1402 500.00 DA

**TABLE OF CONTENTS**

<b><u>CONTENTS</u></b>	<b><u>PAGE</u></b>
Real Party in Interest .....	3
Related Appeals and Interferences .....	3
Status of Claims .....	3
Status of Amendments .....	3
Summary of Claimed Subject Matter .....	3
Grounds of Rejection to be Reviewed on Appeal .....	6
Argument .....	6
Summary .....	12
Relief Requested .....	13
Claims Appendix .....	14
Evidence Appendix .....	17
Related Proceedings Appendix .....	18

**REAL PARTY IN INTEREST**

The inventors named on this patent application assigned their entire rights to the invention to Agilent Technologies, Inc.

**RELATED APPEALS AND INTERFERENCES**

There are currently no other appeals or interferences known to Appellants, the undersigned Appellants' representative, or the assignee to whom the inventors assigned their rights in the instant case, which would directly affect or be directly affected by, or have a bearing on the Board's decision in the instant appeal.

**STATUS OF CLAIMS**

The present application was filed on January 31, 2001 with Claims 1-31. During the course of prosecution, Claims 22-31 were canceled, Claims 32 and 33 were added and Claims 1, 8, 11 and 15-21 were amended. Accordingly, Claims 1-21, 32 and 33 are pending in the present application. Of these pending claims, Claims 1-8, 10-21, 32 and 33 are rejected and Claim 9 is objected to.

**STATUS OF AMENDMENTS**

The claim amendments filed subsequent to issuance of the Final Rejection were entered by the Examiner.

**SUMMARY OF CLAIMED SUBJECT MATTER**

The claimed invention is drawn to microarray strips comprising a pocket strip, microarrays placed in the pockets of the pocket strip, and a non-rigid cover strip that is bonded to the pocket strip thereby generating sealed chambers containing arrays.

Claim 1 claims a microarray strip containing microarrays comprising: a pocket strip having a number of pockets (see specification at page 5, line 22); a number of microarrays, each pocket of the pocket strip containing a microarray (see specification at page 5, line 10-12; page 5, lines 25-29); and a non-rigid cover strip (see specification at page 5, lines 24-25 and Figure 2) bonded to the pocket strip to create sealed chambers, each sealed chamber containing a microarray (see

specification at page 5, line 10-12 and lines 23-25).

Claim 2 claims the microarray strip of claim 1 in which the pocket strip and cover strip are plastic and the cover strip is bonded to the pocket strip by heat sealing (see specification at page 6, lines 23-26).

Claim 3 claims the microarray strip of claim 1 in which the pocket strip is a polymer/metal foil laminate (see specification at page 6, lines 29-30).

Claim 4 claims the microarray strip of claim 1 in which the cover strip is a metal foil (see specification at page 6, lines 29-30).

Claims 5 claims the microarray strip of claim 1 further including regularly spaced features that facilitate automatic translation and positioning of the microarray strip (see specification at page 5, lines 12-16; page 6, lines 15-20; page 7, lines 10-17).

Claim 6 claims the microarray strip of claim 5 in which the regularly spaced features comprise two sets of tractor feed perforations along each edge of the microarray strip (see specification at page 6, lines 15-16).

Claim 7 claims the microarray strip of claim 5 in which the regularly spaced features comprise regularly spaced optical features that can be detected by an optical detector or sensor (see specification at page 5, lines 12-16; page 7, lines 10-17).

Claim 8 claims the microarray strip of claim 5 in which the regularly spaced features comprise regularly spaced features that engage with complementary features of a mechanical translation and positioning mechanism (see specification at page 5, lines 12-16; page 7, lines 10-17).

Claim 9 claims the microarray strip of claim 5 in which the regularly spaced features comprise regularly spaced electromechanical features that can be detected by sensors within an electromechanical translation and positioning mechanism (see specification at page 5, lines 12-16; page 7, lines 10-17).

Claim 10 claims the microarray strip of claim 5 in which the regularly spaced features comprise regularly spaced features that can be detected by sensors to direct an electromechanical translating and positioning mechanism to translate and position the microarray strip (see specification at page 5, lines 12-16; page 7, lines 10-17).

Claim 11 claims the microarray strip of claim 1 in which the cover strip is bonded to the pocket strip via an adhesive sealant (see specification at page 6, line 27).

Claim 12 claims the microarray strip of claim 1 in which the cover strip is bonded to the pocket strip via mechanical force applied to complementary molded features of the pocket strip and cover strip (see specification at page 6, line 28).

Claim 13 claims the microarray strip of claim 1 in which the sealed chambers prevent exchange of liquid and vapor phase substances between the interior of the sealed chambers and the external environment (see specification at page 6, line 26).

Claim 14 claims the microarray strip of claim 1 in which each pocket has molded features for positioning and orienting a microarray within the pocket (see specification at page 6, lines 1-12; page 7, lines 19-23).

Claim 15 claims the microarray strip of claim 1 in which, following of insertion of a microarray into a pocket and bonding of a cover strip over the pocket, a gap remains between the upper surface of the microarray and the inner surface of the cover strip (see specification at page 6, lines 10-12).

Claim 16 claims the microarray strip of claim 1 in which, following of insertion of a microarray into a pocket, gaps remain between surfaces of the microarray and the bottom and side surfaces of the pocket to create a well into which solutions can be introduced (see specification at page 6 lines 3-5; page 7 lines 19-26).

Claim 17 claims the microarray strip of claim 16 further including one or more septa affixed to a surface of the cover strip directly above the well, providing resealable ports through which solutions and gasses can be introduced into the well and through which solutions and gasses can be extracted from the well (see specification at page 5 lines 29-31; page 7 lines 26-27).

Claim 18 claims a method for packaging a number of microarrays (see specification at page 1, lines 4-7) comprising: providing a pocket strip having a series of pockets (see specification at page 5, line 22); positioning the microarrays into pockets of the pocket strip (see specification at page 5, line 10-12; page 5 lines 25-29); and bonding a non-rigid cover strip (see specification at page 5, line 24-25 and Figure 2) onto the pocket strip to seal the microarrays within the pockets, thereby creating a microarray strip (see specification at page 5, line 10-12 and lines

23-25).

Claim 19 claims the method of claim 18 further including providing regularly spaced features along the microarray strip that are employed to translate and position the microarray strip within automated systems (see specification at page 5, lines 12-16; page 6, lines 15-20; page 7, lines 10-17).

Claim 20 claims the method of claim 18 further including providing septa affixed to the cover strip as resealable ports for introducing solutions and gasses into, and extracting solutions and gasses from, the sealed pockets containing microarrays (see specification at page 5, lines 29-31; page 7, lines 26-27).

Claim 21 claims the method of claim 18 further including providing support features within the pockets of the microarray strip array for positioning and orienting microarrays within the pockets (page 6, lines 1-12; page 7 lines 19-23).

Claim 32 claims the microarray strip of claim 1 in which said microarray strip may be rolled onto a reel (see specification at page 4, lines 25-26; page 5, lines 18-20; page 9, lines 3-10).

Claim 33 claims the method of claim 18, further comprising rolling said microarray strip onto a reel (see specification at page 4, lines 25-26; page 5, lines 18-20; page 9, lines 3-10).

#### **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

I. The Examiner has rejected Claims 1 – 8, 10 – 21, 32 and 33 under 35 U.S.C. § 103(a) as being obvious over Besemer et al. (US 6,140,044) in view of Runyon et al. (US 5,101,975). Claim 9 is objected to for being dependent on a rejected claim.

#### **ARGUMENT**

I. Claims 1 – 8, 10 – 21, 32 and 33 stand rejected under 35 U.S.C. § 103(a) as being obvious over Besemer et al. (US 6,140,044) in view of Runyon et al. (US 5,101,975).

The Appellants will argue the claims in the following groups: Group 1 - Claims 1, 5-8, 10-21, 32 and 33; Group 2 - Claim 2; Group 3 - Claim 3; and Group 4 - Claim 4.

With respect to rejections made under 35 U.S.C. § 103, MPEP § 2142 states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

It is respectfully submitted that the Examiner's *prima facie* case of obviousness is deficient because the combined teachings of the cited prior art fail to render the claimed invention obvious. Below are the contentions of the Appellant with respect to this ground of rejection with each group of claims argued separately.

Group I: Claims 1, 5-8, 10-21, 32 and 33

The claimed invention is drawn to pocket strips containing microarrays and methods of producing the same. The microarray pocket strips of the invention are comprised of 1) a pocket strip having a number of pockets, 2) a number of microarrays, each pocket of the pocket strip containing a microarray, and 3) a non-rigid cover strip bonded to the pocket strip to create sealed chambers, with each sealed chamber containing a microarray.

As detailed below, the Appellants submit that 1) the prior art references cited by the Examiner provide no suggestion or motivation to combine their teachings. The Appellants submit that the Examiner has employed impermissible hindsight to defeat patentability of the claimed invention, using the inventor's own application as a blueprint for piecing together the prior art.

The primary reference cited by the Examiner is Besemer et al. which is drawn to an apparatus for packaging a single microarray. In general, the array packages of Besemer et al. are described as comprising a housing with an array mounted (i.e., attached) in a cavity thereof [*"Housing 300 contains a cavity 310 on which a chip is mounted"* (col. 7, lines 32-33)] and a cover to enclose the microarray in the cavity of the housing [*"A cover 2770 is mated to the housing for sealing the cavity."* (col. 15, lines 37-38)]. In further describing the invention, the only material called out by Besemer et al. as an exemplary material for fabricating the housing is a rigid material [*"Preferably,*



*casings 410 and 420 are made from injection molded plastic.*" (col. 7, lines 47-48; emphasis added)]. Similarly, materials disclosed as being suitable for the cover are also rigid [*"Preferably, cover 2770 is composed of a transparent or translucent material such as glass, acrylic, or other material that is penetrable by light."* (col. 15, lines 38-40; emphasis added)].

As acknowledged by the Examiner, Besemer et al. does not teach multiple microarrays in pockets of a multiple-pocket strip in which each microarray is sealed in its pocket with a cover strip.

To remedy this deficiency, the Examiner cites Runyon et al. which the Examiner asserts teaches an electronic component carrier that can be in the form of a pocket strip (or sheet) with a resilient cover to hold the electronic component in the pocket strip. The strip can contain holes on the sides of the carrier that allow for positioning of the strip using a mechanical positioning system. The Examiner states that it would have been obvious to combine the bulk carrier (i.e., pocket strip and resilient cover) of Runyon et al. with the teachings of Besemer et al. in order to provide the microarray pocket strip of the subject claimed invention.

The Appellants respectfully submit that the obviousness rejection presented by the Examiner fails to meet the first criteria cited above for establishing a *prima facie* case of obviousness. Specifically, the Appellants have been unable to find any suggestion or motivation, either expressly or inherently, to combine the cited prior art. As such, the Appellants submit that the Examiner has relied upon impermissible hindsight in rejecting the claimed invention.

With regard to impermissible hindsight, MPEP § 2143. states:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

In addition, MPEP § 2143.01 states that:

A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). See also *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000)

Because there exists no suggestion or motivation to combine the cited prior art, the Appellants submit that the Examiner has used the Appellant's own disclosure as a motivation to force grounds of rejection in this case. Specifically, none of the references cited and applied by the Examiner make any suggestion of packaging and sealing microarrays in a pocket of a multiple-pocket strip as claimed in the subject application. As noted above, Besemer et al. is drawn to a functional housing for a single microarray and Runyon is drawn to pocket strips for packaging electronic components. For a justifiable rejection under 35 U.S.C. § 103(a) to be made, the invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time, *see Interconnecting Planning Corp. v. Feil*, 774 F.2d 1132, 1138. In other words, combining (or modifying) prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability. This is the essence of impermissible hindsight, *see In re Dembiczak*, 50 U.S.P.Q.2D 1614.

Therefore, the Appellants submit that looking solely to the references cited by the Examiner, and not to the Appellants' disclosure, one of skill in the art would not combine these references because no teaching or suggestion can be found in the references to support the combination.

Further supporting the above conclusion that there is no motivation to combine the references is that the references are in disparate fields, and therefore not properly combinable. With regard to the appropriateness of combining references, MPEP § 2141.01 (a) states:

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

The Appellants submit that Runyon et al. as been improperly combined with Besemer et al. because Runyon et al. is not in the field of the Appellants' endeavor and is not reasonably pertinent to the particular problem that is the concern of the invention. First, the field of the Appellants' endeavor is microarrays that are employed in the life sciences fields. Runyon et al. is concerned with packaging

electronic devices and as such is not the field of Appellants' endeavor. Second, the problem to which the invention is directed is the "need for a more economical packaging method and system for microarrays with features that facilitate automated processing and handling of microarrays" (last sentence of the Background section of Applicant's specification). Part of the solution to this need is to provide sealed chambers for each of a plurality of microarrays in the multiple-pocket strip that can accept and hold fluids without leaking. Runyon et al. does not in any way teach a pocket strip chamber having sealed compartments that provide such functionality. As such, Runyon et al. is not reasonably pertinent to the particular problem being solved by the invention and thus is not properly combinable with Besemer et al.

Therefore, in making the rejection of the claims over Besemer et al. in view of Runyon et al., the Examiner has improperly combined these references, there being no motivation or suggestion to do so and the two references being from unrelated fields. For this reason alone, the Examiner has failed to present a proper *prima facie* case of obviousness.

In summary, the Appellants submit that the Examiner has used the Appellants own disclosure to combine the prior art references in a non-obvious manner to defeat patentability, in clear opposition to established examination procedure.

#### *Group 2: Claim 2*

Dependent Claim 2 claims the microarray strip of Claim 1 in which the pocket strip and cover strip are plastic and the cover strip is bonded to the pocket strip by heat sealing. The Examiner has cited no passage in either Besemer et al. or Runyon et al. that teaches or suggests this element of the claimed invention.

Therefore, in addition to the arguments stated above for the claims of *Group 1*, the Appellants submit that Claim 2 is further distinguished over the cited prior art for claiming heat sealing of the cover strip to the pocket strip, since this element is neither taught nor suggested by the combined teachings of the references.

*Group 3: Claim 3*

Claim 3 claims the microarray strip of Claim 1 in which the pocket strip is a polymer/metal foil laminate. The Examiner has cited no passage in either Besemer at al. or Runyon et al. that teaches or suggests this element of the claimed invention.

Therefore, in addition to the arguments stated above for the claims of *Group I*, the Appellants submit that Claim 3 is further distinguished over the cited prior art in claiming that the pocket strip is a polymer/foil laminate, since this element is neither taught nor suggested by the combined teachings of the references.

*Group 4: Claim 4*

Claim 4 claims the microarray strip of Claim 1 in which the cover strip is a metal foil. The Examiner has cited no passage in either Besemer at al. or Runyon et al. that teaches or suggests this element of the claimed invention.

Therefore, in addition to the arguments stated above for the claims of *Group I*, the Appellants submit that Claim 4 is further distinguished over the cited prior art in claiming that the cover strip is a metal foil, since this element is neither taught nor suggested by the combined teachings of the references.

**SUMMARY**


I. Claims 1 – 8, 10 – 21, 32 and 33 are not made obvious under 35 U.S.C. § 103(a) over Besemer et al. (US 6,140,044) in view of Runyon et al. (US 5,101,975). The Appellants submit that there is no teaching, suggestion or motivation found either expressly or inherently in the cited references to combine their teachings. As such, the Examiner engaged in impermissible hindsight, using the Appellants' own invention as a blueprint to defeat patentability. Furthermore, Runyon et al. is drawn to art that is non-analogous to that of the Appellant's invention. Additionally, the Claims of Groups 2 to 4 are drawn, respectively, to microarray pocket strips in which the pocket strip is heat sealed to the cover strip, microarray pocket strips in which the pocket strip is a polymer/metal foil laminate, and microarray pocket strips in which the cover is a metal foil, none of which are taught or suggested in the cited references.

**RELIEF REQUESTED**

The Appellants respectfully request that the rejections of Claims 1 – 8, 10 – 21, 32 and 33 under 35 U.S.C. §103(a) be reversed, and that the application be remanded to the Examiner with instructions to issue a Notice of Allowance.

Respectfully submitted,

Date: 10-25-05

By:   
David C. Scherer, Ph.D.  
Registration No. 56,993

Date: 10.25.05

By:   
Bret Field  
Registration No. 37,620

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, Colorado 80537-0599

F:\DOCUMENT\AGIL\262\10004032-1 Appeal Brief.doc

**CLAIMS APPENDIX**

1. A microarray strip containing microarrays, the microarray strip comprising:  
a pocket strip having a number of pockets;  
a number of microarrays, each pocket of the pocket strip containing a microarray; and  
a non-rigid cover strip bonded to the pocket strip to create sealed chambers, each sealed chamber containing a microarray.
2. The microarray strip of claim 1 wherein the pocket strip and cover strip are plastic and the cover strip is bonded to the pocket strip by heat sealing.
3. The microarray strip of claim 1 wherein the pocket strip is a polymer/metal foil laminate.
4. The microarray strip of claim 1 wherein the cover strip is a metal foil.
5. The microarray strip of claim 1 further including regularly spaced features that facilitate automatic translation and positioning of the microarray strip.
6. The microarray strip of claim 5 wherein the regularly spaced features comprise two sets of tractor feed perforations along each edge of the microarray strip.
7. The microarray strip of claim 5 wherein the regularly spaced features comprise regularly spaced optical features that can be detected by an optical detector or sensor.
8. The microarray strip of claim 5 wherein the regularly spaced features comprise regularly spaced features that engage with complementary features of a mechanical translation and positioning mechanism.

9. The microarray strip of claim 5 wherein the regularly spaced features comprise regularly spaced electromechanical features that can be detected by sensors within an electromechanical translation and positioning mechanism.
10. The microarray strip of claim 5 wherein the regularly spaced features comprise regularly spaced features that can be detected by sensors to direct an electromechanical translating and positioning mechanism to translate and position the microarray strip.
11. The microarray strip of claim 1 wherein the cover strip is bonded to the pocket strip via an adhesive sealant.
12. The microarray strip of claim 1 wherein the cover strip is bonded to the pocket strip via mechanical force applied to complementary molded features of the pocket strip and cover strip.
13. The microarray strip of claim 1 wherein the sealed chambers prevent exchange of liquid and vapor phase substances between the interior of the sealed chambers and the external environment.
14. The microarray strip of claim 1 wherein each pocket has molded features for positioning and orienting a microarray within the pocket.
15. The microarray strip of claim 1 wherein, following of insertion of a microarray into a pocket and bonding of a cover strip over the pocket, a gap remains between the upper surface of the microarray and the inner surface of the cover strip.
16. The microarray strip of claim 1 wherein, following of insertion of a microarray into a pocket, gaps remain between surfaces of the microarray and the bottom and side surfaces of the pocket to create a well into which solutions can be introduced.



17. The microarray strip of claim 16 further including one or more septa affixed to a surface of the cover strip directly above the well, providing resealable ports through which solutions and gasses can be introduced into the well and through which solutions and gasses can be extracted from the well.

18. A method for packaging a number of microarrays, the method comprising:  
providing a pocket strip having a series of pockets;  
positioning the microarrays into pockets of the pocket strip; and  
bonding a non-rigid cover strip onto the pocket strip to seal the microarrays within the pockets, thereby creating a microarray strip.

19. The method of claim 18 further including providing regularly spaced features along the microarray strip that are employed to translate and position the microarray strip within automated systems.

20. The method of claim 18 further including providing septa affixed to the cover strip as resealable ports for introducing solutions and gasses into, and extracting solutions and gasses from, the sealed pockets containing microarrays.

21. The method of claim 18 further including providing support features within the pockets of the microarray strip array for positioning and orienting microarrays within the pockets.

32. The microarray strip of claim 1, wherein said microarray strip may be rolled onto a reel.

33. The method of claim 18, further comprising rolling said microarray strip onto a reel.

**EVIDENCE APPENDIX**

No evidence that qualifies under this heading has been submitted during the prosecution of this application, and as such it is left blank.

**RELATED PROCEEDINGS APPENDIX**

As stated in the *Related Appeals and Interferences* section above, there are no other appeals or interferences known to Appellants, the undersigned Appellants' representative, or the assignee to whom the inventors assigned their rights in the instant case, which would directly affect or be directly affected by, or have a bearing on the Board's decision in the instant appeal. As such this section is left blank.